- **Trade-offs**—exchanges of concessions on issues of differing importance to the negotiators.

  ▶ Consider two or more agenda items simultaneously.

  ▶ Negotiators trade concessions on issues of higher or lower importance to each.

  ▶ Each negotiator gets his/her way on one issue.

- **Integrative solutions**—look for solutions that involve maximum gains and few or no losses for both parties.

  ▶ Set your sights high on finding a win/win solution.

Separate the option generation process from the evaluation process.

Work toward agreement.

- Use the **Agreement in Principle Process** (general level of agreements moving toward more specific agreements).

- **Fractionate** (break into small pieces) the problem and use a **Building Block Process** (agreements on smaller issues which when combined form a general agreement).

- Reduce the threat level.

- Educate and be educated about interests of all parties.

  ▶ Ensure that all interests will be respected and viewed as legitimate.

  ▶ Show an interest in their needs.

- Do not exploit another negotiator's weakness.

- Demonstrate trust:

  ▶ Put yourself in a one down position to other on issues where you risk a small, but symbolic loss.

  ▶ Start with a problem-solving rather than competitive approach.

▸ Provide benefits above and beyond call of duty.

• Listen and convey to other negotiators that they have been heard and understood.

▸ Listen and restate content to demonstrate understanding.

▸ Listen and restate feelings to demonstrate acceptance (not necessarily agreement) and understanding of intensity.

Costs and Benefits Of Interest-based Bargaining

<u>Costs</u>

▸ Requires some trust
▸ Requires negotiators to disclose information and interests
▸ May uncover extremely divergent values or interests

<u>Benefits</u>

▸ Produces solutions that meet specific interests
▸ Builds relationships
▸ Promotes trust
▸ Models cooperative behavior that may be valuable in future

References

Roger Fisher and William Ury, <u>Getting to Yes: Reaching Agreement Without Giving In</u>, Boston: Houghton Mifflin, 1981.

Dean Pruitt and Steven Lewis, "The Psychology of Integrative Bargaining" in <u>Negotiations: A Social Psychological Perspective</u>, ed. D. Drackman, Beverly Hills, CA: Sage, 1977.

Richard Walton and Robert McKersie, <u>A Behavioral Theory of Labor Negotiations</u>, New York: McGraw Hill, 1965.

William Zartman and Marjorie Berman, <u>The Practical Negotiator</u>, New Haven: Yale University Press, 1982.

STAGES OF NEGOTIATION

Stage 1: Evaluate and Select a Strategy to Guide Problem Solving

- Assess various approaches or procedures—negotiation, facilitation, mediation, arbitration, court, etc.—available for problem solving.

- Select an approach.

Stage 2: Make Contact With Other Party Or Parties

- Make initial contact(s) in person, by telephone, or by mail.

- Explain your desire to negotiate and coordinate approaches.

- Build rapport and expand relationship.

- Build personal or organizational credibility.

- Promote commitment to the procedure.

- Educate and obtain input from the parties about the process that is to be used.

Stage 3: Collect and Analyze Background Information

- Collect and analyze relevant data about the people, dynamics, and substance involved in the problem.

- Verify accuracy of data.

- Minimize the impact of inaccurate or unavailable data.

- Identify all parties' substantive, procedural, and psychological interests.

Stage 4: Design a Detailed Plan For Negotiation

- Identify strategies and tactics that will enable the parties to move toward agreement.

- Identify tactics to respond to situations peculiar to the specific issues to be negotiated.

Stage 5: Build Trust and Cooperation

- Prepare psychologically to participate in negotiations on substantive issues.

- Develop a strategy to handle strong emotions.

- Check perceptions and minimize effects of stereotypes.

- Build recognition of the legitimacy of the parties and issues.

- Build trust.

- Clarify communications.

Stage 6: Beginning the Negotiation Session

- Introduce all parties.

- Exchange statements which demonstrate willingness to listen, share ideas, show openness to reason, and bargain in good faith.

- Establish guidelines for behavior.

- State mutual expectations for the negotiations.

- Describe history of problem and explain why there is a need for change or agreement.

- Identify interest and/or positions.

Stage 7: Define Issues and Set An Agenda

- Together identify broad topic areas of concern to people.

- Identify specific issues to be discussed.

- Frame issues in a non-judgmental neutral manner.

- Obtain an agreement on issues to be discussed.

- Determine the sequence to discuss issues.

- Start with an issue in which there is high investment on the part of all participants, no serious disagreement, and a strong likelihood of agreement.

- Take turns describing how you see the situation. Participants should be encouraged to tell their story in enough detail that all people understand the viewpoint presented.

- Use active listening, open-ended and focusing questions to gain additional information.

Stage 8: Uncover Hidden Interests

- Probe each issue, one at a time or together, to identify interests, needs, and concerns of the principal participants in the dispute.

- Define and elaborate interests so that all participants understand the needs of others as well as their own.

Stage 9: Generate Options For Settlement

- Develop an awareness about the need for options from which the final settlement will be created.

- Review needs of parties which relate to the issues.

- Generate criteria or objective standards that can guide settlement discussions.

- Look for agreements in principle.

- Consider breaking issues into smaller, more manageable issues and generating solutions for sub-issues.

- Generate options either individually or through joint discussions.

- Use one or more of the following procedures:

  ▸ Expand the pie so that benefits are increased for all parties.

  ▸ Alternate satisfaction so that each party has his/her interests satisfied, but at different times.

  ▸ Trade items that are valued differently by parties.

▸ Look for integrative or win/win options.

▸ Brainstorm.

▸ Use trial-and-error generation of multiple solutions.

▸ Try silent generation in which each individual develops privately a list of options and then presents his/her ideas to other negotiators.

▸ Use a caucus to develop options.

▸ Conduct position/counter-position option generation.

• Separate generation of possible solutions from evaluation.

Stage 10: Assess Options For Settlement

• Review the interests of the parties.

• Assess how interests can be met by available options.

• Assess the costs and benefits of selecting options

Stage 11: Final Bargaining

• Final problem solving occurs when:

▸ One of the alternatives is selected.

▸ Incremental concessions are made and parties move closer together.

▸ Alternatives are combined or tailored into a superior solution.

▸ Package settlements are developed.

▸ Parties establish a procedural means to reach a substantive agreement.

Stage 12: Achieving Formal Settlement

• Agreement may be a written memorandum of understanding or a legal contract.

• Detail how settlement is to be implemented—who, what, where, when, how—and write it into the agreement.

- Identify "what ifs" and conduct problem solving to overcome blocks.

- Establish an evaluation and monitoring procedure.

- Formalize the settlement and create enforcement and commitment mechanisms:

    ▸ Legal contract.

    ▸ Performance bond.

    ▸ Judicial review.

    ▸ Administrative/executive approval.

MAKING THE TRANSITION FROM POSITIONAL TO INTEREST-BASED BARGAINING

- Ignore positions and keep on talking.

- Do not ask for specific solutions early in the negotiations.

- Do not respond to positions with counter positions.

- Ask whether the problem has to be solved in a win/lose manner. State that you want to look for a solution that will be advantageous to all parties.

- Ask why a position is important to a party. Try to identify underlying issues.

- Conduct trial-and-error hypothesis testing to indirectly identify interests.

- Verbalize and make interests explicit.

- Separate substantive, procedural, and psychological interests contained in a stated position.

- Look for general principles behind positions to which both parties can agree.

- Reframe problem as a search for means to satisfy interests rather than a way to persuade the other party to agree to a position.

- Reframe the problem to emphasize commonality of interests or the possibility of joint gain.

- Separate the problem from the people involved.

- Ask for principles by which to evaluate positions offered.

- Respond with several counter positions and suggest that all merit further investigation to see how they meet the parties' interests.

- Do not negotiate the use of interest-based bargaining procedures using positioned bargaining tactics.

PREPARING TO NEGOTIATE

Satisfactory performance in negotiation, as in many other social interactions, requires preparation. Just as good athletes, musicians, parents, public speakers, military officers, lawyers, or planners spend hours practicing, designing strategies, and refining their skills, so too must good negotiators.

Since the content and dynamics of negotiations vary considerably from situation to situation, it is not always easy to identify what should be considered in order to adequately prepare. The following topics or tasks have been identified by numerous negotiators as critical variables in preparing to meet others at the bargaining table. Consideration of these items will help you to be more successful in planning and implementing negotiations.

What are your needs and interests? To negotiate successfully, you need to identify your needs and interests. Interests fall into three categories: substantive, procedural, and psychological. Take time to identify your interests and to assess how strongly you are committed to them.

Who are the people or parties that you need to negotiate with to satisfy your interests? Negotiators should identify the people with whom they must make a deal to get their needs met. Negotiators should consider principal parties (either individuals or groups) who must be motivated at the bargaining table for an agreement to hold, and secondary parties, interested people or groups who will be affected by the decision, but are neither principal actors nor have the capacity to change a negotiated settlement.

What are the substantive, procedural and psychological interests of the other primary and secondary parties? To reach an agreement in negotiation, the solution must, at the least, meet the minimal needs of all the principal parties. To formulate proposals, you need to know these interests.

Given the needs and interest of the parties, decide if the problem is negotiable. Are the needs totally incompatible? Are the parties totally independent of each other, so that the satisfaction of needs is not dependent on the cooperation of one another? If the two preceding questions are true, negotiations will have a very low probability of succeeding. If they are not true, continue assessing the possibilities of negotiation.

What means of influence do you have to persuade the other party to meet your needs? Consider the forms of negotiator power: control of the process, communication, data, experts, use of authority, associates, rewards, and coercion. Determine the benefits and costs of using each form of influence.

Given the interests of all the parties, what will be the issues or statement of the problems that need to be discussed? For example, if your interests regarding the

development of a condominium unit near your single family home are privacy, minimal noise, low level of traffic, and protection from bright street lamps, and the developer's interests are to build the project in a cost effective manner, the issues become: (1) how to build the project at a reasonable cost, and maintain visual privacy of neighbors, and (2) how to cut down on noise coming from the multi-family dwelling, avoid traffic flow through the neighborhood, and limit the direction and intensity of lighting for the project.

Do you and the other primary parties have (or will have) the authority to negotiate a binding settlement? Will your superiors authorize you to negotiate on their, or the organization's, behalf? What is the ratification process for an agreement reached at the bargaining table? If you do not have the authority to negotiate, who does? Should someone else be at the table? Ask the same questions for each of the principal parties.

Have any of the parties taken positions on the issues? A position is a particular solution that meets the needs of a party but not necessarily the needs of the other negotiators. People adhere to positions because they meet interests. Determine what interests the position is meant to satisfy. Are there ways to meet the interests other than the stated position?

How important are the issues and interests to each of the parties? Which are they least likely to change? Are there any issues that might be trusted or dropped?

What events or dynamics will make it harder for you or for other parties to negotiate? Consider court dates, past interactions, lack of information, laws, internal organizational policies, or the political or economic climate. What can you do to change these dynamics and reverse negative trends?

What events or dynamics encourage negotiations and promote settlement?

What settlement options on each issue might go into a "yessable" proposal? (A yessable proposal is designed to meet your needs as well as those of other negotiators. It will be presented as a way for all parties to have at least some of their needs met.)

What should be the physical setting for the negotiations? Should they be face-to-face, over the telephone, conducted on a one-on-one basis, or in a large group? What should be the shape of the room, the table, size of chairs, etc.?

How can a conciliatory tone that promotes a positive relationship with other negotiators be established at the beginning of the session? Consider introductions, conciliatory remarks, room set-up, refreshments, etc.

How should you organize your team? Consider whether the team is a horizontal one (made up of members with equal power or authority) or a vertical team (someone has authority to decide for team members). Decide who the spokesperson will be.

What negotiation strategy should you use? Decide if you want to use positional or interest-based bargaining.

How will you open negotiations?

- Who will do the opening statement?

- What will be covered—history of the issue, need for change, interests to be met, possible solutions?

- How will a positive tone be established?

- Which party will talk first? Is there merit in letting another party talk first?

- How will the agenda be developed? Do you have a proposed order for items to be discussed?

- What issue(s) do you want to talk about first? What issue(s) will be easier to get an agreement on?

- Consider negotiating ground rules and procedures early in the first session (or even before the first meeting).

What unforeseen turn of events—other negotiators' strategies, or external factors—could effect the negotiations? Develop contingent strategies for possible problems that might develop in the negotiations.

The "Conflict Analysis" chart is an abbreviated version of the questions listed above. It can be filled out as a means of preparing for negotiations.

CONFLICT ANALYSIS AND STRATEGY DESIGN

PEOPLE/ PARTIES (Primary and Secondary)	INTERESTS (Substantive Procedural and Psychological)	ISSUES (Problem Statements or Agenda Items)	POSITIONS (Verbalized Substantive Preferences)	IMPORTANCE/ SALIENCE (Substantive, Procedural and Psychological)	POWER (Means of Influence)	DYNAMICS (Historical Development Promoting Escalation or De-Escalation)	WILL TO SETTLE (Benefits, Costs and Alterna- tives to Negotia- tion)	SETTLEMENT OPTIONS (Options that Meet Mutual Needs)	STEPS TOWARD SETTLE- MENT

Negotiation

OPENING STATEMENTS FOR NEGOTIATORS

Opening statements are brief speeches or monologues made by the disputing parties which outline the basic premises of the negotiations. The following outline is designed to help disputants be more effective in their opening.

Negotiator Opening Statements

Purpose:

- To make face-to-face introductions

- To establish a positive tone

- To educate the parties about the negotiation process

- To reach an agreement on standards of behavior

- To obtain a commitment to begin the process

Procedure:

- Introduce yourself and other parties.

- Welcome the negotiator(s) and affirm their willingness to discuss the issues or negotiate a settlement. Make a conciliatory statement that sets a positive tone, but does not make a concession.

- Review why people are there in neutral terms.

- Explain how you perceive negotiation process. Is it:

  ▸ An attempt by the parties to reach their own agreement through discussions or negotiations?

  ▸ An opportunity for all parties to gain benefits?

  ▸ Voluntary?

- Describe the problem-solving process that you propose to use:

  ▸ Each person will talk and describe the situation.

- ▸ Topics for discussion will be mutually agreed upon.

- ▸ An agenda will be developed jointly.

- ▸ All needs will be examined.

- ▸ Agenda items will be discussed one-by-one.

- ▸ The parties will look for solutions that are mutually satisfactory.

- ▸ The agreement will be written down and formalized according to the desires of the parties.

- Agree on the use of private meetings (caucus), breaks, or time to consult with other parties.

- Identify procedural guidelines that will help them promote efficient negotiations.

- Ask and/or answer questions.

- Obtain a commitment to begin from each party.

PROCEDURAL OPENINGS AND ISSUES IN NEGOTIATION[2]

Why Open With a Focus On Procedure?

On occasion, parties may want to open negotiations by focusing on negotiation procedures rather than beginning with substantive discussions. Focusing on procedures:

- Enables the parties to establish rules for interaction that may provide more predictability and security.

- Provides a jointly developed order for the negotiations to which all parties are committed.

- Allows the parties to practice decision making as a team.

- Provides information about attitudes, behavior, and trustworthiness of other parties.

- Allows parties to practice joint decision making on issues that are neither substantively critical nor emotionally charged.

- Provides an opportunity to build "habits" of agreement.

- Demonstrates that agreement is possible and that the situation is not hopeless.

What Procedural Issues Are Addressed?

- How the agenda will be developed.

- The speaking order of the parties.

- The time frame, schedule, and duration of the negotiations.

- How information will be exchanged between the parties.

- How proprietary information will be handled.

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[2] Developed from concepts presented by William F. Lincoln, *Presenting Initial Positions*. Watertown, Massachusetts: National Center for Collaborative Planning and Community Services, 1981 (unpublished).

- How legal rights or administrative mandates will be recognized.

- The limits of confidentiality.

- Acceptable behavior regarding personal attacks, attribution of motivation, respect for values, and emotional displays.

- Determination of who will represent interest groups.

- Decision-making authority of each party.

- Role of substitutes or observers.

- Role of task forces or subcommittees.

- Size of negotiation teams.

- The consensus decision-making process.

- Negotiation procedures to be used.

NEGOTIATOR POWER AND INFLUENCE

Negotiators try to change each other's behavior, attitudes, or opinions by exercising a variety of means of influence. Listed below are techniques that are frequently used to change the mind of another negotiator. Each party usually has the potential to use some or all of these techniques. The desirability, however, of exercising them must be weighed against the goals of the negotiations and the potential positive or negative impact of their use on the other party or parties.

A negotiator's power is relative and depends upon the particular people, problem, and external situation. A very powerful negotiator in one situation may be extremely weak in another.

Exercise of influence may be either non-directive or directive. The negotiator may create a situation where the other party has lots of positive and acceptable options, or narrow their choices so that another must choose from very limited alternatives.

Generally, the more coercive the power exercised at the table (and the narrower the options available to a party), the more resistance to cooperation there will be from the party toward whom the coercion is directed. Less directive and more cooperative means of influence should be tried before resorting to coercion or actions that could damage the relationship with another negotiator.

Means Of Influence

- Management of the Negotiation Process.

    ▸ Planning a cooperative and informative opening.

    ▸ Sequencing of the stages of negotiation.

    ▸ Ordering the agenda.

    ▸ Placing an easily solved item at the beginning of the session.

    ▸ Managing the problem-solving steps to be used on each agenda item.

    ▸ Assisting the other party to make the transition from positional to interest-based bargaining.

- <u>Management of Communication Within and Between the Parties.</u>

    ▸ Managing behavioral communication through active listening, reframing and congruent sending.

    ▸ Assisting parties to move from extreme positions by softening the specificity, timing, and consequences of their demands.

    ▸ Managing the structure of communications by determining if the negotiations are to be held directly by the parties, through intermediaries, in joint session or caucus, in the whole group or small working committees, face-to-face, by letter, or by telephone.

- <u>Management of Body Language and Physical Setting.</u>

    ▸ Demonstrating attentive, concerned, and open body language.

    ▸ Showing dissatisfaction, frustration, intransigence.

    ▸ Establishing the shape of the negotiating table and seating arrangements.

    ▸ Arranging for a room of appropriate size for desired results.

    ▸ Providing caucusing space.

    ▸ Locating negotiations in a neutral space or one favorable to a particular party's interests.

- <u>Management of the Timing.</u>

    ▸ Deciding when negotiations will be proposed and started.

    ▸ Determining how long the negotiations as a whole and individual sessions will last.

    ▸ Imposing, modifying, and removing deadlines.

    ▸ Controlling the timing of information exchange.

    ▸ Managing the time when offers are made (or accepted).

    ▸ Designing the timing of implementation.

- Management of Information Exchanged Between Parties.

  ▸ Identifying what information is needed.

  ▸ Requesting information.

  ▸ Asking why a proposal is important to another party.

  ▸ Making general suggestions.

  ▸ Making specific suggestions.

  ▸ Presenting concrete proposals or offers.

  ▸ Referring other parties to sources of information or experts.

- Management of Associates.

  ▸ Identifying and encouraging associates of other parties to influence them.

  ▸ Inhibiting associates' influence on other parties by minimizing contact or value of information.

  ▸ Creating doubt about accuracy of associate's opinion or data.

- Management of Experts.

  ▸ Making experts available to build your case.

  ▸ Casting doubt on experts who present information contrary to your case.

  ▸ Referring other parties to substantive, procedural, or psychological experts.

- Management of Authoritative Power.

  ▸ Appealing to law, regulation, or common practice.

  ▸ Asking for support of people in authority.

  ▸ Arranging for institutional mandate for your position.

- Management of Habit.

  ▸ Asking for a continuation of past practice.

  ▸ Appealing to transition.

- Management of Other Parties' Doubt.

  ▸ Questioning validity or applicability of another party's arguments.

  ▸ Testing the reasons of another party's proposals or ideas.

  ▸ Posing hypothetical problems that might result from a particular solution.

  ▸ Exploring another party's best alternative to a negotiated agreement (BATNA).

  ▸ Exploring another party's worst alternative to a negotiated agreement (WATNA).

  ▸ Exploring another party's most likely alternative to a negotiated agreement (MLATNA).

- Management of Rewards and Benefits for Other Parties.

  ▸ Providing indirect rewards for cooperation or agreement (respect, benefits to be received upon final agreement, symbolic or small rewards).

  ▸ Providing direct rewards (substantive benefits, favorable timing of settlement, or receipt of benefits).

- Management of Coercive Influence.

  ▸ Imposing physical hardship or discomfort: location of negotiation setting, timing of meetings, duration of meetings (marathons).

  ▸ Imposing psychological coercion: intimidation, humiliation.

  ▸ Imposing substantive coercion: court costs, delay costs, other threats.

  ▸ Imposing procedural coercion: deadlines, threats to withdraw.

- <u>Management of Resources</u>.

  ▸ Marshaling your resources—money, people, skills—to enhance your influence in negotiations.

  ▸ Weakening other party's resources to lower the amount of influence they have in negotiation.

HOW TO DO POSITIONAL BARGAINING

<u>Preparation</u>

- Determine your target point (real, probably achievable, wished-for end point)

- Determine your bottom line (the point beyond which it is better to not settle than to make a bad deal)

- Evaluate your BATNA (<u>B</u>est <u>A</u>lternative <u>T</u>o a <u>N</u>egotiated <u>A</u>greement)

- Try to figure other party's bottom line and BATNA

<u>Negotiation Session</u>

- Start with high opening position (to give yourself room to move)

- Use offers/counter-offers to get into bargaining range, without giving too much away

- Arrive at a compromise

DEFINITION OF POSITIONAL BARGAINING

Positional bargaining starts with the <u>solution</u>. Parties propose solutions to one another and make offers and counter-offers until they hit upon a solution that is acceptable to both of them (falls within their bargaining range).

ATTITUDES OF POSITIONAL BARGAINERS

- The pie is limited; my goal is to get the biggest piece

- A win for me = a loss for you

- We are opponents

- There is one right solution—mine

- I must stay on the offensive

- A concession is a sign of weakness

NEGOTIATION STRATEGIES

WIN/LOSE

COMPROMISE

LOSE/LOSE

LOSE/WIN

MY GOALS

YOUR GOALS ⟶
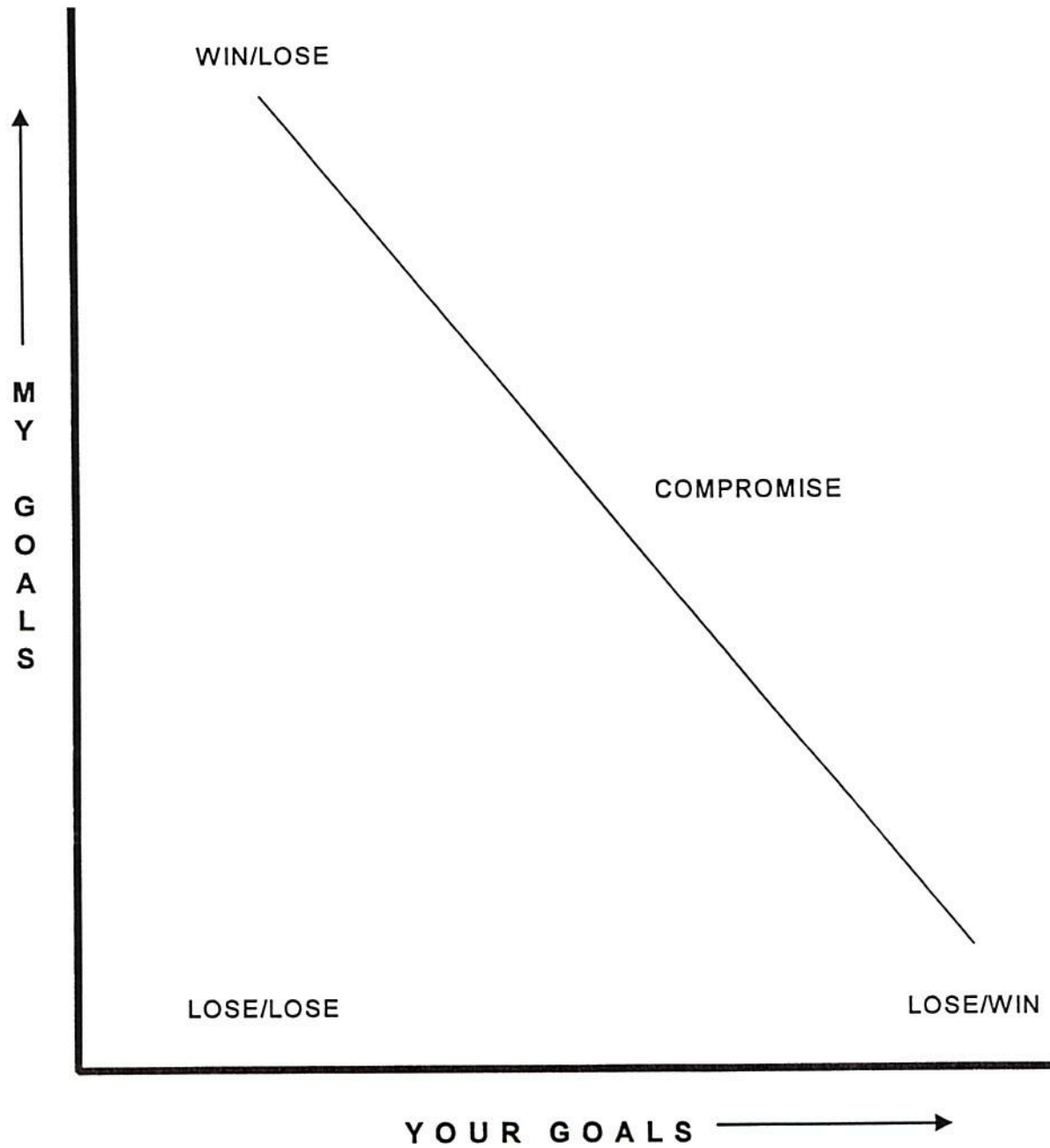
Developing A Common Problem Solving Process
9:00 A.M. - 2:30 P.M.

I.   Public Policy Negotiations - Context Setting

II.   Collaborative Problem Solving, Interest-Based Negotiation and Consensus Decision-Making

        Interests - Small Group Discussion

III.   Raising Disagreements Productively

        What do you need from one another to make this effort worthwhile? Of these principles what will be the most challenging for you personally? What do you need from the rest of the group or this process to help set you up for success?

VI.   Meeting Evaluation and Next Steps

CONSENSUS DECISION MAKING

Consensus decision making is a powerful but poorly understood tool used by groups and organizations. It offers a means for making the best decisions, incorporating the greatest variety of input, expertise and perspectives, and obtaining the maximum amount of buy-in from all participants. Increasingly, organizations interested in improving productivity, empowering employees and consumers, and promoting diversity have turned to the consensus process as an essential aspect of their decision-making structure.

So why do people equate consensus with gridlock, wasted time and minority rule? Generally this is because consensus decision-making procedures are either misunderstood, poorly implemented, or not given a genuine opportunity to work. In some cases consensus as a concept is substituted for all other decision-making tools, and participants do not have the necessary training or commitment to make consensus work for them. For it to work, participants have to understand what it is. They must have training or assistance in participating. A genuine commitment to it must be developed. And its appropriate place within an overall decision-making structure must be found.

For example, in most (but not all) organizations, consensus procedures require some override mechanisms for making decisions when consensus can not be achieved. Without this, the formalistic requirement for consensus, absent a genuine commitment to it, can lead to gridlock and minority rule. In this document we attempt to clarify some of the questions that frequently arise about consensus, and to put this process in perspective.

- Consensus is a process through which a group makes a decision, without voting, that all members can support.

- Reaching an agreement occurs after the sequence of problem-solving stages has been almost completed. Negotiators will have defined the problem, selected one of the issues, identified interests, generated some settlement options, and assessed the capability of the options to meet the stated needs of the group. Now it is time to decide.

- To reach consensus, there is a need for the presentation and discussion of diverse viewpoints so that people have had an opportunity to talk and to listen carefully for agreements and differences.

- In order to be certain that the group agrees, someone must test for agreement. Testing for agreement means restating what you think the group agrees to. Agreement should be tested as soon as the decision seems to be emerging. Periodic testing helps avoid long delays in decision making and clarifies disagreement.

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- Some form of response from the group is needed to indicate approval or disapproval. At this time silence should not be considered consent.

- The agreement should be framed in a manner that requires dissenters to speak up and be identified if they do not agree.

WHAT HAPPENS WHEN EVERYONE DOES NOT AGREE?

- Disagreements or different points of view arise for a variety of reasons, including diverse socioeconomic experience or interests, different political perspectives, varieties of personal ethics and morality and occasionally psychological problems or difficult personal traits.

- Disagreements or conflicts can be productive. However, disagreement and conflict can also be detrimental by stalling a group and preventing it from acting, dividing its members against one another, and allowing opponents to defeat the group because of its indecision.

- It is imperative that groups operating by consensus learn to resolve disagreements and move beyond barriers to agreement.

- Consensus does not mean unanimity. It does not mean that everyone agrees with every single point of a proposal or feels equally good about the decision. It does mean that the agreement is the best one for the group as a whole, if not for each individual group member.

- **When/how should members consider blocking consensus?**

    * Consensus should be blocked only for reasons of principle, never for trivial reasons.

    * The objection or concern should be stated briefly and clearly so that the group knows what the point of disagreement is and why meeting participants must find another solution.

    * Both the person with the concern and the group should attempt to avoid being defensive regarding the disagreement. The group deserves to hear a different opinion, but the group also has a right to disagree. Similarly, all participants have the right to state dissenting opinions, but have an obligation to present them in a constructive manner.

- **Guidelines for negotiators when a strong disagreement has been voiced:**

    * Identify whether the disagreement is held by an individual or a small group.

    * Identify whether it is an objection that the whole group should consider, or whether it is one that could be worked out by a subcommittee group and then presented to the whole group for approval.

*   Ask the objecting participant or small group if they have any alternative proposals that the whole group might consider to overcome the objections.

*   Ask the group to break into smaller groups to discuss the question and to work to develop new proposals.

*   Suggest a process in which each person speaks his or her views on the question without response by other group members. Then test for consensus on the old proposal or a newly modified one.

*   Suggest a break or postpone the discussion to a later date, allowing people time to consider the objection and alternatives.

*   **Guidelines for negotiators when the different viewpoints cannot be reconciled:**

    *   Consider making the result non-precedent setting, temporary or trial.

    *   Ask the individual or sub-group to allow the group to record the disagreement, but proceed with the majority view.

    *   Ask the individual or sub-group to "stand aside" and not block consensus, thus allowing the group to proceed. Standing aside can release those who object from involvement in implementation of the group's agreement. (The individual or sub-group also may initiate standing aside.)

    *   Ask the people who disagree to prepare a minority report that describes their concerns. This report may be submitted to a decision maker outside of the group, or to a person with formal authority within the group, for a final decision.

    *   Return to earlier steps of problem solving to determine if any new, mutually-acceptable options can be developed.

    *   In extreme cases, the individual who disagrees may decide to leave the group, releasing the group to move ahead.

Principles of Consensus

*   Disagreements should be recognized as opportunities for improving the quality of the group decision, and thus treated with respect.

    *   The objector's underlying concerns should be treated as important issues or needs which must be addressed. In addition, that person may have technical expertise, knowledge and perceptions which have not yet surfaced.

- A norm should be created to make it as comfortable as possible for everyone to state their views and thoughts.

    * There is often a feeling that it is not acceptable to raise concerns or disagreements because of a person's real or perceived lack of status in the group.

- It is important not to "leave people behind." Everyone needs to work from a common set of data and to be educated equally.

    * It is important to bring people along and help them think about the problems—for everyone to work from the same information.

    * Failure to work from equivalent information or data will create anxiety and result in participants not being prepared or willing to make critical decisions.

- The focus should be more on people's concerns than on their objections. (Their concerns or interests drive their objections.)

    * It is not a person's objection that is important, it is the underlying reason for the objection that must be addressed.

- The group must work to establish principles that govern decisions.

    * They may want to create a rank order, of principles which they want to apply to evaluate the decision before them.

Why Consensus? What are the benefits of consensus?

- Group decisions may really be better, more complete, or richer than an individual's.

- Ideas can be gathered, synthesized, rather than simply picking the best.

- Working openly on decision making encourages openness, discourages private "deal making."

- People may feel they have been persuaded, rarely coerced.

- If people buy into a decision, they will work to carry it out.

- Working together and reaching agreement as a team is an empowering process, encourages people to work together in the future.

However, given all of the procedural, psychological, and substantive benefits of consensus, it should **never** be employed without considering how to handle potential deadlocks. Processes to break

deadlocks, or override mechanisms are usually necessary for organizations, particularly in the early stages of a shift to a consensus style of decision making. Generally organizations do have override mechanisms and the problem is often too quick a reliance on them. If, however, genuine efforts to achieve consensus have been made, if all interests have been aired and considered, if efforts have been made to incorporate the diversity of interests into proposed decisions and consensus is still not possible, it is often desirable to have an alternative means for making a decision.

This may be majority or two-thirds vote, delegation to a smaller group, formal or informal mediation or arbitration, decision by a person in authority, or some other procedure. Organizations that rely too much on these override mechanisms may have more serious underlying problems which should be addressed. However occasional use of these "deadlock breakers" is appropriate. Furthermore, many organizations find that consensus need not be used on all decisions. Some decisions are delegated and people agree to abide by the decision, simply to avoid having to get overly involved in issues that do not involve major policies or a significant array of interests.

Some organizations are so committed to consensus (or genuinely have no choice but to try to achieve consensus), that they chose to have no override mechanism whatsoever. In that case, participants have to be seriously committed to the process and to the organization to be willing that they will stand aside when necessary, and will spend the time and energy required to make consensus work. Sometimes that means standing aside on issues of great importance, or working very hard at overcoming personal resistance to dealing with the needs of others.

When consensus decision making is properly used, it is a powerful and creative force. When either consensus or its override mechanisms are misused, it can become a way of blocking organizational effectiveness.

DEFINITION OF INTEREST-BASED BARGAINING

Interest-based bargaining starts with developing and preserving the relationship. Parties educate each other about their needs, and then jointly problem solve on how to meet those needs.

ATTITUDES OF INTEREST-BASED BARGAINERS

- The pie is not limited

- The goal = win/win

- The needs of all parties must be addressed to reach agreement

- We are cooperative problem solvers

- The relationship is important

- There are probably several satisfactory solutions

- It is important to preserve people's self esteem